

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TEXAS  
3 AUSTIN DIVISION

4 JOHN KELLEY AND MARY KELLEY, )  
5 Plaintiffs, )  
6 v. ) CASE NO. 1:21-CV-00458-LY  
7 CITY OF SAN MARCOS, JOHN DEHKORDI, )  
8 ANDREW WEISNER, BASIL PIERCE, )  
9 AND JOHN DOES, )  
10 Defendants. )

11 ORAL AND VIDEOTAPED DEPOSITION OF  
12 CORPORAL BASIL PIERCE  
13 December 1, 2022  
14

15 The oral and videotaped deposition of Corporal Basil  
16 Pierce, produced as a witness, and duly sworn, was taken in the  
17 above-styled and numbered cause on December 1, 2022, before  
18 Stacy Harlow, CSR, in and for the State of Texas, reported by  
19 stenomask, pursuant to the Texas Rules of Civil Procedure.  
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1 included all of the important relevant facts?

2 A. I believe it included all the important relevant  
3 facts as it relates to the reasoned level of force used.

4 Q. So even after you went back and closely reviewed the  
5 videos this week, you didn't come to the conclusion that --  
6 that there were any additional facts that you should have  
7 included in the BlueTeam report but did not?

8 A. I don't recall anything that should have been  
9 included that was not in the BlueTeam report.

10 Q. And let me ask you the same with respect to the  
11 information report. So after your close review of the video  
12 this week and -- and your re-review of the information report  
13 that you authored, is it your belief, as you sit there today,  
14 that you included all of the relevant, important facts in the  
15 information report?

16 A. Yes, same answer as my BlueTeam.

17 Q. So then let's go back and talk about the factual  
18 inaccuracies that you noticed as you reviewed the videos.

19 What are the factual inaccuracies that you noticed?

20 A. In the video, it is seen that Mr. Kelley had his -- I  
21 initially said in my information report that he had his arms  
22 tucked up underneath his torso, and I believe a few sentences  
23 later I said that his hands were under his torso, when his  
24 hands were, in fact, in front of his face.

25 And then I believe I later said that, again, his arms

1 Q. (BY MR. PUCKETT) Anything else?

2 A. I don't recall.

3 Q. Did he -- do you recall whether he continued to -- to  
4 walk?

5 A. He did continue to walk away.

6 Q. What did he do with his hands?

7 A. Based on my current memory, I don't recall.

8 Q. How long after Mr. Kelley pulled away from Officer  
9 Dehkordi's attempt to grab his wrist, how long after that did  
10 you fire your Taser?

11 A. It was a matter of a few seconds.

12 Q. Where were Mr. Kelley's hands when you pulled the  
13 trigger on your Taser?

14 MR. SOLOMON: Objection. Form.

15 THE WITNESS: After reviewing the video, his hands  
16 were raised.

17 Q. (BY MR. PUCKETT) When you say they were raised, what  
18 do you mean by that? Like, do you -- can you demonstrate with  
19 your own hands?

20 A. His hands were raised here (indicating), kind of in  
21 front of his chest.

22 Q. Were his hands open palm in the way that you just  
23 demonstrated?

24 A. I don't recall.

25 Q. If I said that when Officer Dehkordi tried to grab

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11  
12 REPORTER'S CERTIFICATION  
13 ORAL AND VIDEO DEPOSITION OF  
14 CORPORAL BASIL PIERCE

15 November 30, 2022

16 (Reported Remotely)

17 I, Stacy Harlow, RVR-M, CVR-M, CM, RCP, RBC,  
18 Certified Shorthand Reporter in and for the State of Texas,  
19 hereby certify to the following:

20 That the witness, CORPORAL BASIL PIERCE, was duly  
21 sworn by the officer and that the transcript of the oral  
22 deposition is a true record of the testimony given by the  
23 witness;

24 That the deposition transcript was submitted on  
25 \_\_\_\_\_ to the witness or to the attorney for the

1 defendant for examination, signature, and returned to me  
2 by \_\_\_\_\_;

3 That the amount of time used by each party at the  
4 deposition is as follows:

5 Mr. Puckett: 5 hours, 40 minutes

6 Mr. Solomon: 0 hours, 0 minutes

7 That pursuant to information given to the deposition  
8 officer at the time said testimony was taken, the following  
9 includes counsel for all parties of record:

10 Donald Puckett, for Plaintiffs

11 David Solomon, for Defendants

12 I further certify that I am neither counsel for,  
13 related to, nor employed by any of the parties or attorneys in  
14 this action in which this proceeding was taken, and further  
15 that I am not financially or otherwise interested in the  
16 outcome of the action.

17 Certified by me this \_\_\_\_\_ day of \_\_\_\_\_,  
18 2022.

19 

20  
21 STACY HARLOW, RVR-M, CVR-M, CM,  
22 RCP, RBC, Texas CSR 11702  
23 Expiration Date: 7/31/2024  
24 Firm Registration No. 633  
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